

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOLORES SHARPE,

CV-15-6446 (ADS) (AYS)

Plaintiff,

ANSWER

- against -

COUNTY OF NASSAU, NASSAU COUNTY
POLICE DEPARTMENT, CHARLES VOLPE, in
his individual and official capacities, VICTOR
GLADITZ, in his individual and official capacities
And Former Police Commissioner THOMAS
DALE, in his individual and official capacities,

Defendants.

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Defendants, County of Nassau, Nassau County Police Department, Charles Volpe in his individual and official capacities, Victor Gladitz in his individual and official capacities, and Former Police Commissioner Thomas Dale in his individual and official capacities (hereinafter collectively referred to as the “Defendants”), by their attorney, Carnell T. Foskey, Nassau County Attorney, by Liora M. Ben-Sorek, Deputy County Attorney, answer the Plaintiff’s complaint dated November 10, 2015 (the “Complaint”) upon information and belief as follows:

AS AND FOR AN ANSWER TO “PRELIMINARY STATEMENT”

1. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 1 of the Complaint.
2. Deny the allegations contained in paragraph 2 of the Complaint.
3. Deny the allegations contained in paragraph 3 of the Complaint.
4. Deny the allegations contained in paragraph 4 of the Complaint.

AS AND FOR AN ANSWER TO “JURISDICTION AND VENUE”

5. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 5 of the Complaint.
6. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6 of the Complaint.
7. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 7 of the Complaint and respectfully refer all questions of law to the Court.
8. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 8 of the Complaint.

AS AND FOR AN ANSWER TO “PARTIES”

9. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 9 of the Complaint.
10. Deny the allegations contained in paragraph 10 of the Complaint except avers that the County of Nassau is a municipal corporation organized and existing pursuant to the laws of the State of New York, and respectfully refer questions of law to the Court.
11. Deny the allegations contained in paragraph 11 of the Complaint except avers that the Nassau County Police Department is an administrative arm of the County of Nassau, and respectfully refer questions of law to the Court.
12. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 12 of the Complaint, except aver that Charles Volpe is a member of the Nassau County Police Department.

13. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 13 of the Complaint, except aver that Victor Gladitz is a member of the Nassau County Police Department.
14. Deny the allegations contained in paragraph 14 of the Complaint, except aver that Thomas Dale is the Former Police Commissioner.

AS AND FOR AN ANSWER TO “FACTUAL ALLEGATIONS”

15. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 15 of the Complaint.
16. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 16 of the Complaint.
17. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 17 of the Complaint.
18. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 18 of the Complaint.
19. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 19 of the Complaint.
20. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 20 of the Complaint.
21. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 21 of the Complaint.
22. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 22 of the Complaint.

23. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 23 of the Complaint.
24. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 24 of the Complaint.
25. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 25 of the Complaint.
26. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 26 of the Complaint.
27. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 27 of the Complaint.
28. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 28 of the Complaint.
29. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 29 of the Complaint.
30. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 30 of the Complaint.
31. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 31 of the Complaint.
32. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 32 of the Complaint.
33. Deny the allegations contained in paragraph 33 of the Complaint.
34. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 34 of the Complaint.

35. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 35 of the Complaint.
36. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 36 of the Complaint.
37. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 37 of the Complaint.
38. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 38 of the Complaint.
39. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 39 of the Complaint.
40. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 40 of the Complaint.
41. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 41 of the Complaint.
42. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 42 of the Complaint.
43. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 43 of the Complaint.
44. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 44 of the Complaint.
45. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 45 of the Complaint.

46. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 46 of the Complaint.
47. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 47 of the Complaint.
48. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 48 of the Complaint.
49. Deny the allegations contained in paragraph 49 of the Complaint.
50. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 50 of the Complaint.
51. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 51 of the Complaint.
52. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 52 of the Complaint.
53. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 53 of the Complaint.
54. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 54 of the Complaint.
55. Deny the allegations contained in paragraph 55 of the Complaint.
56. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 56 of the Complaint.
57. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 57 of the Complaint.

58. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 58 of the Complaint.
59. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 59 of the Complaint.
60. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 60 of the Complaint.
61. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 61 of the Complaint.
62. Deny the allegations contained in paragraph 62 of the Complaint.
63. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 63 of the Complaint.
64. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 64 of the Complaint.
65. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 65 of the Complaint.
66. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 66 of the Complaint.
67. Deny the allegations contained in paragraph 67 of the Complaint.
68. Deny the allegations contained in paragraph 68 of the Complaint.
69. Deny the allegations contained in paragraph 69 of the Complaint.
70. Deny the allegations contained in paragraph 70 of the Complaint.
71. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 71 of the Complaint.

72. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 72 of the Complaint.
73. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 73 of the Complaint.
74. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 74 of the Complaint.
75. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 75 of the Complaint.
76. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 76 of the Complaint.
77. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 77 of the Complaint.
78. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 78 of the Complaint.
79. Deny the allegations contained in paragraph 79 of the Complaint.
80. Deny the allegations contained in paragraph 80 of the Complaint.
81. Deny the allegations contained in paragraph 81 of the Complaint.
82. Deny the allegations contained in paragraph 82 of the Complaint.
83. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 83 of the Complaint.
84. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 84 of the Complaint.

85. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 85 of the Complaint.
86. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 86 of the Complaint.
87. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 87 of the Complaint.
88. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 88 of the Complaint.
89. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 89 of the Complaint.
90. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 90 of the Complaint.
91. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 91 of the Complaint.
92. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 92 of the Complaint.
93. Deny the allegations contained in paragraph 93 of the Complaint.
94. Deny the allegations contained in paragraph 94 of the Complaint.
95. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 95 of the Complaint.
96. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 96 of the Complaint.
97. Deny the allegations contained in paragraph 97 of the Complaint.

98. Deny the allegations contained in paragraph 98 of the Complaint.
99. Deny the allegations contained in paragraph 99 of the Complaint.
100. Deny the allegations contained in paragraph 100 of the Complaint.
101. Deny the allegations contained in paragraph 101 of the Complaint.
102. Deny the allegations contained in paragraph 102 of the Complaint.
103. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 103 of the Complaint.
104. Deny the allegations contained in paragraph 104 of the Complaint.
105. Deny the allegations contained in paragraph 105 of the Complaint.
106. Deny the allegations contained in paragraph 106 of the Complaint.
107. Deny the allegations contained in paragraph 107 of the Complaint.
108. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 108 of the Complaint.
109. Deny the allegation contained in paragraph 109 of the Complaint.
110. Deny the allegations contained in paragraph 110 of the Complaint.
111. Deny the allegations contained in paragraph 111 of the Complaint.
112. Deny the allegations contained in paragraph 112 of the Complaint and respectfully refer all questions of law to the Court.
113. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 113 of the Complaint.
114. Deny the allegations contained in paragraph 114 of the Complaint.
115. Deny the allegations contained in paragraph 115 of the Complaint.
116. Deny the allegations contained in paragraph 116 of the Complaint.

117. Deny the allegations contained in paragraph 117 of the Complaint.
118. Deny the allegations contained in paragraph 118 of the Complaint.
119. Deny the allegations contained in paragraph 119 of the Complaint.
120. Deny the allegations contained in paragraph 120 of the Complaint.
121. Deny the allegations contained in paragraph 121 of the Complaint.
122. Deny the allegations contained in paragraph 122 of the Complaint.
123. Deny the allegations contained in paragraph 123 of the Complaint.
124. Deny the allegations contained in paragraph 124 of the Complaint.
125. Deny the allegations contained in paragraph 125 of the Complaint.
126. Deny the allegations contained in paragraph 126 of the Complaint.
127. Deny the allegations contained in paragraph 127 of the Complaint.
128. Deny the allegations contained in paragraph 128 of the Complaint.
129. Deny the allegations contained in paragraph 129 of the Complaint.
130. Deny the allegations contained in paragraph 130 of the Complaint.
131. Deny the allegations contained in paragraph 131 of the Complaint.
132. Deny the allegations contained in paragraph 132 of the Complaint.
133. Deny the allegations contained in paragraph 133 of the Complaint.
134. Deny the allegations contained in paragraph 134 of the Complaint.
135. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 135 of the Complaint.
136. Deny the allegations contained in paragraph 136 of the Complaint.
137. Deny the allegations contained in paragraph 137 of the Complaint.

138. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 138 of the Complaint.
139. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 139 of the Complaint.
140. Deny the allegations contained in paragraph 140 of the Complaint.
141. Deny the allegations contained in paragraph 141 of the Complaint.
142. Deny the allegations contained in paragraph 142 of the Complaint.
143. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 143 of the Complaint.
144. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 144 of the Complaint.
145. Deny the allegations contained in paragraph 145 of the Complaint.
146. Deny the allegations contained in paragraph 146 of the Complaint.
147. Deny the allegations contained in paragraph 147 of the Complaint.
148. Deny the allegations contained in paragraph 148 of the Complaint.
149. Deny the allegations contained in paragraph 149 of the Complaint.
150. Deny the allegations contained in paragraph 150 of the Complaint.
151. Deny the allegations contained in paragraph 151 of the Complaint.
152. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 152 of the Complaint.

AS AND FOR AN ANSWER TO “COUNT ONE 42 U.S.C. § 1981”

153. As and for a response to paragraph 153 of the Complaint, Defendants repeat and reassert each and every response in paragraphs 1 through 152, above, as if the same were more fully set forth at length herein.
154. Deny the allegations contained in paragraph 154 of the Complaint.
155. Deny the allegations contained in paragraph 155 of the Complaint.
156. Deny the allegations contained in paragraph 156 of the Complaint.
157. Deny the allegations contained in paragraph 157 of the Complaint.
158. Deny the allegations contained in paragraph 158 of the Complaint.
159. Deny the allegations contained in paragraph 159 of the Complaint.
160. Deny the allegations contained in paragraph 160 of the Complaint.
161. Deny the allegations contained in paragraph 161 of the Complaint.

AS AND FOR AN ANSWER TO COUNT TWO 42 U.S.C. § 1983
“1st Amendment Speech and 14th Amendment Violations – Including but not limited to Unlawful Treatment due to Race/Color and Gender”

162. As and for a response to paragraph 162 of the Complaint, Defendants repeat and reassert each and every response in paragraphs 1 through 161, above, as if the same were more fully set forth at length herein.
163. Deny the allegations contained in paragraph 163 of the Complaint.
164. Deny the allegations contained in paragraph 164 of the Complaint.
165. Deny the allegations contained in paragraph 165 of the Complaint.
166. Deny the allegations contained in paragraph 166 of the Complaint, and respectfully refer questions of law to the Court.
167. Deny the allegations contained in paragraph 167 of the Complaint.

168. Deny the allegations contained in paragraph 168 of the Complaint.
169. Deny the allegations contained in paragraph 169 of the Complaint.
170. Deny the allegations contained in paragraph 170 of the Complaint.
171. Deny the allegations contained in paragraph 171 of the Complaint.
172. Deny the allegations contained in paragraph 172 of the Complaint.
173. Deny the allegations contained in paragraph 173 of the Complaint.
174. Deny the allegations contained in paragraph 174 of the Complaint.
175. Deny the allegations contained in paragraph 175 of the Complaint.
176. Deny the allegations contained in paragraph 176 of the Complaint.
177. Deny the allegations contained in paragraph 177 of the Complaint.
178. Deny the allegations contained in paragraph 178 of the Complaint.

AS AND FOR AN ANSWER TO COUNT THREE 42 U.S.C. § 1983
“EXCESSIVE FORCE”

179. As and for an answer to paragraph 179 of the Complaint, Defendants repeat and reassert each and every response in paragraphs 1 through 178, above, as if the same were more fully set forth at length herein.
 180. Deny the allegations contained in paragraph 180 of the Complaint.
 181. Deny the allegations contained in paragraph 181 of the Complaint.
 182. Deny the allegations contained in paragraph 182 of the Complaint.
 183. Deny the allegations contained in paragraph 183 of the Complaint.
 184. Deny the allegations contained in paragraph 184 of the Complaint.
 185. Deny the allegations contained in paragraph 185 of the Complaint.
 186. Deny the allegations contained in paragraph 186 of the Complaint.
 187. Deny the allegations contained in paragraph 187 of the Complaint.

188. Deny the allegations contained in paragraph 188 of the Complaint.
189. Deny the allegations contained in paragraph 189 of the Complaint.
190. Deny the allegations contained in paragraph 190 of the Complaint and respectfully refer all questions of law to the Court.
191. Deny the allegations contained in paragraph 191 of the Complaint.
192. Deny the allegations contained in paragraph 192 of the Complaint.
193. Deny the allegations contained in paragraph 193 of the Complaint.
194. Deny the allegations contained in paragraph 194 of the Complaint.

AS AND FOR AN ANSWER TO COUNT FOUR 42 U.S.C. § 1983
“ABUSE OF PROCESS”

195. As and for a response to paragraph 195 of the Complaint, Defendants repeat and reassert each and every response to paragraphs 1 through 194, above, as if the same were more fully set forth at length herein.
196. Deny the allegations contained in paragraph 196 of the Complaint.
197. Deny the allegations contained in paragraph 197 of the Complaint.
198. Deny the allegations contained in paragraph 198 of the Complaint.
199. Deny the allegations contained in paragraph 199 of the Complaint.
200. Deny the allegations contained in paragraph 200 of the Complaint.
201. Deny the allegations contained in paragraph 201 of the Complaint.
202. Deny the allegations contained in paragraph 202 of the Complaint.
203. Deny the allegations contained in paragraph 203 of the Complaint.
204. Deny the allegations contained in paragraph 204 of the Complaint.
205. Deny the allegations contained in paragraph 205 of the Complaint.
206. Deny the allegations contained in paragraph 206 of the Complaint.

207. Deny the allegations contained in paragraph 207 of the Complaint.
208. Deny the allegations contained in paragraph 208 of the Complaint.
209. Deny the allegations contained in paragraph 209 of the Complaint.
210. Deny the allegations contained in paragraph 210 of the Complaint.
211. Deny the allegations contained in paragraph 211 of the Complaint.
212. Deny the allegations contained in paragraph 212 of the Complaint.

AS AND FOR AN ANSWER TO COUNT FIVE 42 U.S.C. § 1983
“FALSE ARREST AND MALICIOUS PROSECUTION”

213. As and for an answer to paragraph 213 of the Complaint, Defendants repeat and reassert each and every response to paragraphs 1 through 212, above, as if the same were more fully set forth at length herein.
 214. Deny the allegations contained in paragraph 214 of the Complaint.
 215. Deny the allegations contained in paragraph 215 of the Complaint.
 216. Deny the allegations contained in paragraph 216 of the Complaint.
 217. Deny the allegations contained in paragraph 217 of the Complaint.
 218. Deny the allegations contained in paragraph 218 of the Complaint, and respectfully refer all questions of law to the Court.
219. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 219 of the Complaint.
220. Deny the allegations contained in paragraph 220 of the Complaint.
221. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph 221 of the Complaint.
222. Deny the allegations contained in paragraph 222 of the Complaint.
223. Deny the allegations contained in paragraph 223 of the Complaint.

224. Deny the allegations contained in paragraph 224 of the Complaint.
225. Deny the allegations contained in paragraph 225 of the Complaint.

**AS AND FOR AN ANSWER TO COUNT SIX 42 U.S.C. § 1983 AND 1986
“FAILURE TO INTERVENE”**

226. As and for an answer to paragraph 226 of the Complaint, Defendants repeat and reassert each and every response to paragraphs 1 through 225, above, as if the same were more fully set forth at length herein.
227. Deny the allegations contained in paragraph 227 of the Complaint.
228. Deny the allegations contained in paragraph 228 of the Complaint.
229. Deny the allegations contained in paragraph 229 of the Complaint.
230. Deny the allegations contained in paragraph 230 of the Complaint.
231. Deny the allegations contained in paragraph 231 of the Complaint.
232. Deny the allegations contained in paragraph 232 of the Complaint.
233. Deny the allegations contained in paragraph 233 of the Complaint.
234. Deny the allegations contained in paragraph 234 of the Complaint.
235. Deny the allegations contained in paragraph 235 of the Complaint.

**AS AND FOR AN ANSWER TO COUNT SEVEN 42 U.S.C. § 1983
“MUNICIPAL LIABILITY”**

236. As and for an answer to paragraph 236 of the Complaint, Defendants repeat and reassert each and every response to paragraph 1 through 235, above, as if the same were more fully set forth at length herein.
237. Deny the allegations contained in paragraph 237 of the Complaint.
238. Deny the allegations contained in paragraph 238 of the Complaint.
239. Deny the allegations contained in paragraph 239 of the Complaint.

240. Deny the allegations contained in paragraph 240 of the Complaint.
241. Deny the allegations contained in paragraph 241 of the Complaint.
242. Deny the allegations contained in paragraph 241.a. of the Complaint.
243. Deny the allegations contained in paragraph 241.b. of the Complaint.
244. Deny the allegations contained in paragraph 241.c. of the Complaint.
245. Deny the allegations contained in paragraph 241.d. of the Complaint.
246. Deny the allegations contained in paragraph 241.e. of the Complaint.
247. Deny the allegations contained in paragraph 241.f. of the Complaint.
248. Deny the allegations contained in paragraph 242 of the Complaint.
249. Deny the allegations contained in paragraph 243 of the Complaint.
250. Deny the allegations contained in paragraph 244 of the Complaint.
251. Deny the allegations contained in paragraph 245 of the Complaint.

AS AND FOR AN ANSWER TO COUNT EIGHT 42 U.S.C. § 1985
“CONSPIRACY TO VIOLATE CIVIL RIGHTS”

252. As and for an answer to paragraph 246 of the Complaint, Defendants repeat and reassert each and every response to paragraphs 1 through 251, above, as if the same were more fully set forth at length herein.
253. Deny the allegations contained in paragraph 247 of the Complaint.
254. Deny the allegations contained in paragraph 248 of the Complaint.
255. Deny the allegations contained in paragraph 249 of the Complaint.
256. Deny the allegations contained in paragraph 250 of the Complaint.
257. Deny the allegations contained in paragraph 251 of the Complaint.
258. Deny the allegations contained in paragraph 252 of the Complaint.
259. Deny the allegations contained in paragraph 253 of the Complaint.

260. Deny the allegations contained in paragraph 254 of the Complaint.
261. Denies that Plaintiff is entitled to the relief claimed in paragraphs a. through j. of her "Prayer for Relief."

AFFIRMATIVE DEFENSES

262. Should Plaintiff recover damages as a result of a finding of liability in whole or in part as against the Defendants, such recovery should be reduced and diminished in proportion to the degree of comparative negligence of the Plaintiff in contributing to such damages.
263. If the Plaintiff sustained the damages as alleged in the Complaint, such damages were sustained solely through and by virtue of the negligent, reckless, illegal and/or wrongful conduct of the Plaintiff without any negligence, recklessness, illegality and/or wrongfulness on the part of the Defendants, or the County of Nassau, its agents, servants or employees contributing thereto.
264. The alleged acts or omissions of the Defendants are not the proximate cause of any injury(ies) or damage(s) allegedly incurred by the Plaintiff. Any injury(ies) or damage(s) incurred by Plaintiff were the result of her own actions, the actions of others and/or the superseding intervention of causes outside the control of the Defendants.
265. Plaintiff has not complied with § 52 of the County Law of the State of New York.
266. Plaintiff has failed to mitigate damages in this matter.
267. The Complaint fails to state a cause of action against the County of Nassau upon which relief can be granted.

268. At all times mentioned in the Complaint and herein mentioned, all employees of the Defendant County of Nassau alleged to have anything to do with the Plaintiff acted in good faith and without malice.

269. The actions complained of were in full accord with the applicable law.

270. The alleged acts of conduct of the Defendants herein, under the case of Monell v. New York City Department of Social Services, does not create vicarious liability pursuant to the doctrine of respondeat superior and, consequently, Nassau County cannot be liable for any acts or conduct of any individual Defendants herein, as a matter of law.

271. Plaintiff's constitutional and statutory rights have not been violated by the named Defendants herein.

272. The County of Nassau, its agencies, departments and/or employees at all applicable times herein enjoyed full, partial or qualified immunity from civil suit.

273. Punitive damages may not be recovered against the County of Nassau as a matter of law.

274. The Nassau County Police Department is not a suable entity.

275. The complaint is barred by the Intra-Corporate Conspiracy Doctrine.

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WHEREFORE, Defendants County of Nassau, Nassau County Police Department, Charles Volpe in his individual and official capacities, Victor Gladitz in his individual and official capacities, and Former Police Commissioner Thomas Dale in his individual and official capacities, respectfully demand that the Complaint be dismissed in its entirety and with prejudice, and that this Court grant such other and further relief as it deems just and proper.

Dated: Mineola, New York
December 11, 2015

CARNELL T. FOSKEY
Nassau County Attorney
One West Street
Mineola, New York 11501
Attorney for Defendants

By: Liora M. Ben-Sorek
Liora M. Ben-Sorek
Deputy County Attorney
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556 Peninsula Boulevard
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(516) 489-6959
Attorney for Plaintiff